

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KARL JULIUS JAMES,

Petitioner,

v.

MICHAEL THURMER,

Respondents.

MEMORANDUM

08-cv-568-bbc

In an order dated October 3, 2008, I denied petitioner's request for leave to proceed in forma pauperis in this action because he has struck out under 28 U.S.C. § 1915(g) and the matter he raises in his complaint does not qualify for the imminent danger exception to § 1915(g). When petitioner failed to prepay the \$350 fee by the deadline he was given to do so, I dismissed the case on November 3, 2008. Subsequently, petitioner filed a notice of appeal and, on November 6, 2008, I denied petitioner leave to proceed in forma pauperis on appeal, again because he has struck out under 28 U.S.C. § 1915(g) and does not qualify for the the imminent danger exception to that statute. In the November 6 order, I advised petitioner that he could delay payment of the \$455 appeal filing fee for two reasons only: 1) his complete destitution; or 2) if he challenges in the court of appeals within thirty days

of the date he received the November 6 order the decision to deny his request for leave to proceed in forma pauperis on appeal because of his § 1915(g) status. Fed. R. App. P. 24(a)(5).

Now petitioner has filed a motion titled “Motion to Object to Jurisdiction” (Dkt. #20), in which he appears to be challenging this court’s authority to hold that he has struck out.

As I previously told petitioner in the November 6, 2008 order, any challenge he wishes to make to my decision that he has struck out must be presented to the court of appeals. His case in this court ended upon his filing of a notice of appeal, at which time the court of appeals assumed exclusive jurisdiction over petitioner’s case. Therefore, no consideration will be given to petitioner’s current motion challenging this court’s ability to determine his three-strike status or any future motions of a similar nature that petitioner might file in this court. Such motions will be placed in petitioner’s file and no response will be made to them.

Entered this 14th day of November, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge